

REMARKS

In the Office Action, the Examiner rejected Claims 1-14, which were all of the then pending claims, over the prior art, principally U.S. Patent 6,230,171 (Pacifici, et al.). In particular, Claims 1-4, 6 and 8-13 were rejected under 35 U.S.C. §102 as being fully anticipated by Pacifici, et al; and Claims 1-14 were rejected under 35 U.S.C. §103 as being unpatentable over the combination of U.S. Patent 6,411,989 (Anupam, et al.) and Pacifici, et al.

Applicants herein ask that independent Claims 1, 9, 10 and 11 be amended to better define the subject matters of these claims, and that claim 7 be rewritten in independent form, including the limitations of previous Claim 1. Claim 5 is being cancelled because the limitations thereof are being added to Claim 1.

For the reasons discussed below, Claims 1-4 and 6-14 patentably distinguish over the prior art and are allowable. The Examiner is asked to enter this Amendment, to reconsider and to withdraw the rejections of Claims 1-4 and 6-14 under 35 U.S.C. §§102 and 103, and to allow these claims.

As explained in detail in the present application, this invention relates to methods and systems that enable multiple computer users to work simultaneously on documents, and this is achieved by means of two applications referred to as NodeManager and PageManager. These applications function together to receive, communicate and manage page changes.

Both Pacifici, et al. and Anupam, et al. disclose procedures that enable several users to input information simultaneously into shores documents. Applicants submit, though, that neither of these references discloses the cooperative relationship that is achieved in the present invention between the NodeManager and PageManager.

It is noted that in the Office Action, the Examiner recognized that important features of the preferred embodiment of this invention, described in Claims 5 and 7, are not shown in Pacifici, and thus relied on the combination of Pacifici, et al. and Anupam, et al. to reject these claims under 35 U.S.C. §103.

The feature described in Claim 5 is herein being added to independent Claims 1, 9, 10 and 11. Also, Claim 7 is being rewritten in independent form including the limitations of previous Claim 1. These changes overcome the previous rejection of Claims 1, 9, 10 and 11 under 35 U.S.C. §102. Moreover, for the reasons discussed below, it is submitted that Claims 1, 7, 9, 10 and 11 cannot be rejected under 35 U.S.C. §103 on the combination of Pacifici, et al. and Anupam, et al. because Pacifici, et al. cannot be relied on to reject the claims under 35 U.S.C. §103.

Specifically, Pacifici, et al. is not a proper reference under 35 U.S.C. §103 because the present application and Pacifici are assigned to the same corporation, IBM Corporation. Applicants submit that the filing of the present application on January 7, 2000, brings the subject application under the rubric of the amendments made to the Patent Laws in the American Inventors Protection Act of 1999. That Act, enacted November 29, 1999, amends 35 U.S.C. '103(c) such that subject matter developed by another person which qualifies as prior art under 35 U.S.C. '102(e) does not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an application of assignment to the same person.

That this section applies to the instant application is established by the Guidelines concerning the implementation of changes to 35 U.S.C. '102(g) and 103(c) published in the Official Gazette on April 11, 2000. Those Guidelines includes the statement that the amendment to 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 C.F.R. '1.53(d), continued prosecution applications filed under 37 C.F.R. '1.53(b) and reissues. In view of the filing of the present application on January 7, 2000, under 37 C.F.R. '1.53(b), applicants benefit from the statutory restraints imposed in the amendment to '103(c).

That Pacifici, et al. cannot be used to reject the claims of the present application under 35 U.S.C. §103 is established by the fact that Pacific is, on its face, assigned to International Business Machines. The instant application is also assigned to International Business Machines. The Assignment of the instant application to International Business Machines by the applicants of the present application was mailed January 7, 2000 to the USPTO for recording. The Assignment was recorded by the USPTO on January 7, 2000, at Reel 010489, Frame 0581.

U.S. Patent 6,230,171 to Pacifici, et al. issued May 8, 2001. The present application is entitled to the benefit of the filing date of January 7, 2000. As such, none of the claims of the present application can be rejected under 35 U.S.C. §103 predicated upon the availability of the Pacific, et al patent as a reference under 35 U.S.C. '102(e) in that this is the only subsection of 35 U.S.C. '102 whose requirements are met by this patent.

In view of the requirements of 35 U.S.C. '103(c), as amended November 29, 1999, which apply to the instant application, the Pacific, et al reference cannot preclude patentability under 35 U.S.C. '103. Thus, these claims of the present application are patentable over the outstanding rejections of record.

Because of the above-discussed differences between Claims 1, 7, 9, 10 and 11 and Pacifici, et al, these claims are not anticipated by Pacifici, et al. Further, in view of the unavailability of Pacifici, et al. as a reference under 35 U.S.C. §103, Claims 1, 7, 9, 10 or 11 cannot be rejected under 35 U.S.C. §103 predicated upon Pacifici, et al.

The other references of record have been reviewed, and it is believed that these other references, whether they are considered individually or in combination, are no more pertinent than Pacifici, et al. or Anupam, et al.


Accordingly, Claims 1, 7, 9, 10 and 11 patentably distinguish over the prior art and are allowable. Claims 2-4, 6, 8 and 12-14 are dependent from Claim 1 and are allowable therewith.

It is noted that, in this Amendment, the limitation being added to Claim 1 is being taken from Claim 5, which was directly dependent from Claim 1. Moreover, Claim 7 was directly dependent from Claim 1, and only those limitations of previous Claim 1 are being added to Claim 7. Clearly, then, these changes to Claims 1 and 7 do not raise any new issues and do not require any further searching by the Examiner. Further, Claims 9, 10 and 11 are being amended only to include the feature of Claim 5. It is thus believed that these changes to Claims 9, 10 and 11 also do not require any further searching, and, in addition, clearly place these Claims in condition for allowance.

It is, accordingly, believed that entry of this Amendment is appropriate and such entry is respectfully requested.

The Examiner is, hence, asked to enter this Amendment, to reconsider and to withdraw the rejection of Claims 1-4, 6 and 8-13 under 35 U.S.C. §102, and the rejection of Claims 1-4 and 7-14 under 35 U.S.C. §103, and to allow Claims 1-4 and 6-14. If the Examiner believes that a telephone conference with Applicants= Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,


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